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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,121	09/04/2001	Norihiko Fuchigami	0102/0178	1758

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EXAMINER

VENT, JAMIE J

ART UNIT PAPER NUMBER

2621

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/944,121

Applicant(s)

FUCHIGAMI, NORIHIKO

Examiner

Jamie Vent

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In regard to Claims 1-7 states an audio data recording disc and a text data manager that provides ID codes to the signal. Thereby, the non-functional descriptive material (i.e. recording disc) fails to disclose a useful, concrete, and tangible result.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, and 4 are rejected under 35 U.S.C. 102(b) as being unpatentable by Kubota et al (US 5,754,172).

**[claim 1]**

In regard to Claim 1, Kubota et al discloses an audio data recording disc storing audio data and a text data manager, the text data manager containing an item text, the item text including a first ID code signal and a second ID code signal, the first ID code signal indicating a main classification rank of an item type of contents represented by the audio data, the second ID code signal relating to a sub classification rank of the

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item type which is subordinate to the main classification rank (Column 9 Lines 30-40 describes the ID codes of the recording disc as seen in Figure 3. Additionally as seen in Figures 7 and 9 ID codes are present on the disc for classification purposes. As described in Column 10 Lines 40+ through Column 11 Lines 1-55 describes the classification ranking system in respect to genres and more specifically two classification systems "optical course" and "recommended course").

**[claim 2]**

In regard to Claim 2, Kubota et al discloses an audio data recording disc as recited in claim 1, wherein the first ID code signal is selected from ID code signals representing fixed main genres and an ID code signal representing that a main genre of the contents is defined by a user, and the item text includes a text, and wherein when the first ID code signal is the ID code signal representing that the main genre of the contents is defined by the user, the text included in the item text indicates the main genre defined by the user (Column 11 Lines 10+ describes the ID code representing a main genre that is defined by a user. The user for classification purposes selects the main genre).

**[claim 4]**

In regard to Claim 4, Kubota et al discloses an audio data recording disc storing audio data and a text data manager, the text data manager containing a first item text and a second item text, the first item text including a first ID code signal, the second item text including a second ID code signal, the first ID code signal indicating a main genre of contents represented by the audio data, the second ID code signal relating to a sub genre of the contents which is subordinate to the main genre, wherein the first ID code signal is selected from ID code signals representing fixed main genres, and wherein the second ID code signal represents that the sub genre is defined by a user, and the second item text includes a text indicating the sub genre defined by the user (Column 9 Lines 30-40 describes the ID codes of the recording disc as seen in Figure 3. Additionally as seen in Figures 7 and 9 ID codes are present on the disc for classification purposes. As described in Column 10 Lines 40+ through Column 11 Lines 1-55 describes the classification ranking

system in respect to genres and more specifically two classification systems "optical course" and "recommended course". Additionally as described in Column 11 Lines 10+ describes the selection of main genre to sub genre and thereby meeting the limitation).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3,5,6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubota et al (US 5,754,172) in view of Koreeda et al (US 2002/0019979).

**[claims 3, 5, & 7]**

In regard to Claims 3, 5, and 7 Kubota et al discloses an audio data recording disc as recited in claim 1, wherein the second ID code signal represents that a sub genre of the contents (Column 11 Lines 15+ describes the subgenre as identified as the optional course wherein genres are selected by the user); however, fails to disclose that the second ID code is subordinate to a main genre. Koreeda et al discloses a video and audio retrieving apparatus and method wherein the user displays information for selecting. As seen in Figure 6b and described in Paragraphs 0066 and 0081 provides a second subgenre for additional classification. The use of sub-genres allows the user to store and retrieve items in an easier order as many items could fall under one genre the use of subgenres provide less confusion. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the audio data recording device, as described by Kubota et al, and further incorporate a system wherein sub-genres provide the user to store and retrieve items in an easier order through the use of sub-genres, as further described by Koreeda et al.

**[claim 6]**

In regard to Claim 6, Kubota et al discloses an audio data recording disc as recited in claim 5, wherein the first ID code signal is selected from ID code signals representing fixed main genres and an ID code signal representing that the main genre is defined by a user, and the item text includes a text, and wherein when the first ID code signal is the ID code signal representing that the main genre is defined by the user, the text included in the item text indicates the main genre defined by the user (Column 11 Lines 10+ describes the ID code representing a main genre that is defined by a user. The user for classification purposes selects the main genre).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Moriyama et al (US 5,889,746).

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jamie Vent  
05/08/06



THAI TRAN  
PRIMARY EXAMINER